

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
2005 MAR 18 P 12:20
U.S. DISTRICT COURT
DISTRICT OF MASS

UNITED STATES OF AMERICA)

v.)

DWAYNE BRANCO,
Defendant)

CRIMINAL ACTION NO.:
04 CR 10215-GAO

DEFENDANT'S MOTION TO CONTINUE
SENTENCING HEARING
(ASSENTED TO)

Now comes the Defendant, by and through counsel, in the above captioned matter and hereby moves this Honorable Court to allow him to continue the Sentencing Hearing presently scheduled for April 6, 2005 to a date in June 2005 that is convenient for all parties.

As reasons therefore, counsel avers that in discussions with the Defendant prior to and subsequent to his change of plea hearing, counsel did not adequately inform the Defendant properly of the calculation of the guidelines. Defense counsel and the assigned Assistant United States Attorney had conversations regarding the calculation of the sentencing guidelines and were in agreement as to the calculations, that being 33- 41 months taking into account the charged conduct and the past criminal history.

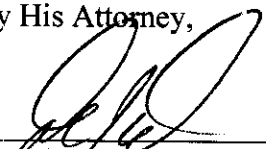
In review of the presentence report, it was clarified by the assigned U.S. Probation Officer that in review of the Defendant's record, since he is deemed to be a career offender and the guideline imprisonment range is 151 to 188 months.

Defense counsel has conferred with the Assistant U.S. Attorney, Dena Sacco, who consents to this Motion to Continue the Sentencing Hearing in order that the Defendant's

prior criminal history is investigated fully and the Defendant has the opportunity to avail himself to all available remedies.

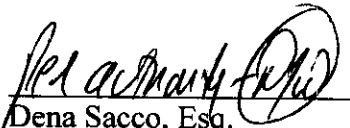
WHEREFORE, the Defendant respectfully requests that this Motion to Continue the Sentencing Hearing be allowed.

Defendant Dwayne Branco,
By His Attorney,



Douglas J. Darnbrough, Esq.,
56 North Main Street
Fall River, MA 02720
508-674-5338

Assented to:



Dena Sacco, Esq.
Assistant U.S. Attorney
617-748-3304


CERTIFICATE OF SERVICE

I, Douglas J. Darnbrough, Attorney for the Defendant in the above entitled action, do hereby certify, under the pains and penalties of perjury, that on this 16 day of March, 2005, I did hand deliver / first class mail / fax the foregoing:

1. Assented to Motion to Continue Sentencing Hearing

To:

Dena Sacco, Esq.
Assistant US Attorney
United States Courthouse
Suite 9200
One Courthouse Way
Boston, MA 02210



Douglas J. Darnbrough, Esq.